REMARKS/ARGUMENTS

I. Introduction

Applicant thanks the examiner for withdrawing the finality of the previous Office Action.

- Claims 79-117 remain in this application.
- Claims 79 and 99 are the only independent claims under review.
- Claims 79-82, 97-100, 113, 116 and 117 stand rejected under 35 U.S.C. § 102(e).
- Claims 83-88, 90-96, 101, 102, 104-108, 109-111 and 114 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over **Angles** et al. U.S. Patent No. 5,933,811 in view of **Wiser** et al. U.S. Patent No. 6,385,596.
- Claims 89, 103, 112 and 115 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Angles** in view of **Wiser** and further in view of **Klingman** U.S. Patent No. 5,729,594.

II. In the claims

A. *Rejections under 35 USC § 102(e) are improper*

1. The rejection to **Independent Claim 79** is improper because **Angles** does not disclose "secure cookies."

    Angles does not disclose "secure cookies." Rather, **Angles** discloses the use of a conventional cookie as part of an online advertising system. The only security provided by the disclosed conventional cookie is an unencrypted variable called "secure." According to **Angles** on col. 11, lines 23-25, "[i]f 'secure' is included in the cookie, then the cookie will only be transmitted over a secure network connection." Basically, conventional cookies as disclosed in **Angles** provide no other security than to request that a secure network connection be used. This lack of security is exactly the type of problem that the present invention (as disclosed and claimed) solves.

    In fact, the present application in the sections entitled "Security Concerns in Cookies" and "Security Threats to Cookies" (*see* specification page 6, paragraphs 1 and 2) describe **Angles** as having one of the problems that the present application solves. These paragraphs explain how simple unencrypted variables stored in cookies can be harvested and used to the detriment of a customer. This same section also points out that using a secure network connection, by itself, does not provide enough security to protect the customer.

The present application specifically defines that "[s]ecure cookies are constructed by using familiar cryptographic techniques, such as message digests, digital signatures, message authentication codes and secret-key encryption." (*See* application page 2, paragraph 2). Nowhere in **Angles** is a cookie constructed using any type of cryptographic techniques.

The present application on page 7, paragraph 3 further defines that "secure cookies provide three types of security services: authentication services, integrity services, and confidentiality services. Authentication services verify the owner of the cookies. Integrity services protect against the threat that the contents of the cookies might be changed by unauthorized modification. Finally, confidentiality services protect against the values of the cookies being revealed to unauthorized entity." Nowhere in **Angles** is a cookie disclosed that provides these three types of security services.

Because **Angles** fails to disclose the "secure cookies" limitation of independent claim 79, **Angles** does not disclose the same invention. Therefore, withdrawal of this rejection is respectfully requested.

2.   The rejection of Claim 81 is improper because **Angles** does not disclose an "authentication cookie."

Angles does not disclose an "authentication cookie." An authentication cookie is defined in the present application on page 12, last paragraph as an IP Cookie, a Pswd Cookie, a KT Cookie, or a Sign Cookie. An IP Cookie (address based authentication) is created when a server grabs the user's IP address and puts it into the IP Cookie using internal procedures. (*See* specification page 8, paragraph 1). A Pswd Cookie (password based authentication) is created when a server places a user's password and puts it into the IP Cookie using internal procedures such as a hash or encryption. (*See* specification page 8, paragraph 4). A KT Cookie (Kerberos based authentication) is created when a server creates a cookie that can be used in a Kerberos protocol. (*See* specification page 8, paragraph 5 through page 9, paragraph 6). A Sign Cookie (digital signature based authentication) uses a timestamp signed by a user. (*See* specification page 9, paragraph 6).

In making this rejection, the examiner brings attention to col. 10, line 20 to col. 11, line 65 of **Angles**. Nowhere in this section is an authentication cookie (i.e., an IP Cookie, a Pswd Cookie, a KT Cookie or a Sign Cookie) referenced. This section of **Angles** only discloses a consumer member code assigned by a third computer and stored on a consumer PC in a cookie. All of this is conventional use of an unsecured cookie.

Because **Angles** <u>fails to disclose</u> the "authentication cookies" limitations of claim 81, withdrawal of this rejection is respectfully solicited.

3.   The rejection of Claim 82 is improper because **Angles** <u>does not disclose</u> a "secure attribute service."

Dependent claim 82 is further limiting the "secure attribute service." **Angles** <u>does not disclose</u> a secure attribute service as defined in the present invention. In the present invention, "secure cookies enable secure attribute services between existing Web servers and browsers." It is this use of secure cookies that "facilitates secure attribute services on the Web." (*See* page 2, paragraph 2 of the specification). Because **Angles** does not disclose secure cookies as argued in section II(A)(1) above, **Angles** cannot disclose a "secure attribute service."

Because **Angles** <u>fails to disclose</u> the "secure attribute service" limitations of claim 79, withdrawal of this rejection is respectfully solicited.

4.   The rejection of Claims 79, 98, and 116 are improper because **Angles** <u>does not disclose</u> any "secure cookies" being used to assign client roles.

The examiner refers to col. 11, line 5 through col. 12, line 60 to support the rejection of Claims 79, 98, and 116. However, a careful read of these paragraphs only shows the assignment of a consumer member code by a third advertising computer (not part of the present invention) that is used by a conventional (i.e., not secure) cookie. **Angles** is not assigning a role as per the present invention, but rather as having a computer outside the scope of the present invention assign an identifier to a process whose role has already been defined. Therefore, withdrawal of these rejections is respectfully solicited.

5.   The rejection of Claim 99 is improper because **Angles** <u>does not disclose</u> "secure cookies" used in steps as specifically laid out in the claim.

In addition to the arguments regarding the fact that **Angles** <u>does not disclose</u> "secure cookies" (*see* section II(A)(1) above), the examiner has not shown the steps as specifically laid out in Claim 99. For each particular step, the examiner has referred to independent paragraphs or figures in **Angles**. For example, the examiner first makes the assumption from figure 4 that a client first makes a request from a server as claimed. Figure 4 does show a server and a client interconnected, but figure 4 also

shows many other interconnections to a third advertising computer that is essential to **Angles** and not essential to the present invention. Nowhere in this figure is there an indication that the transfer of secure data on a network starts with a client making a request from a server.

Next, the examiner pieces together col. 10, lines 20-59 of **Angles** to show a server retrieving conforming client data in response to the client request. This section of **Angles** only describes possible hardware and software that may be used in the **Angles** invention. There are no steps recited here. This rejection continues in this same manner.

In summary, because **Angles** does not disclose every step in the order in which it is claimed, **Angles** does not disclose the invention claimed in Claim 99. Therefore, withdrawal of this rejection is respectfully solicited.

6.   The rejection of Claims 80-98 and 100-117 are improper because they depend upon independent claims 79 and 99.

The Office Action does not establish a prima facie case of anticipation of Claims 80-98 and Claims 100-117. Based upon the previous arguments, it is believed that independent Claims 79 and 99 are now in condition for allowance. Claims 80-98 and 100-117 depend on claims 79 and 99 respectively, and hence contain all of the limitations of their base claims. Therefore, withdrawal of these rejections is respectfully solicited.

B.   *Rejections under 35 USC § 103 are improper*

1.   The rejection of Claims 83-88, 90-96, 101, 102, 104-108, 109-111 and 114 under 35 U.S.C. § 103(a) as being unpatentable over **Angles** in view of **Wiser** are improper because they all depend upon independent claims 79 and 99.

Based upon the arguments above, Applicant believes that the arguments made in the previous section II(A) apply equally well to the 35 U.S.C. § 103(a) rejections. These arguments overcome the rejections to independent claims 79 and 99 respectfully. Because Claims 83–88 and 90–96 ultimately depend upon independent claim 79 and Claims 101, 102, 104-108, 109-111 and 114 ultimately depend upon independent claim 99, the rejections of all of these claims are improper. Therefore, withdrawal of these rejections is respectfully solicited.

2.   The rejection of Claims 83-88, 90-96, 101, 102, 104-108, 109-111 and 114 under 35 U.S.C. § 103(a) as being unpatentable over **Angles** in

view of **Wiser** are improper because they **appear to be based on impermissible hindsight.**

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention **where there is some teaching, suggestion, or motivation to do so** found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine,* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones,* 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). *See also* MPEP 2143.01. It should be recognized that the fact that the prior art could be modified so as to result in the combination defined by the claims at bar would not have made the modification obvious unless the prior art suggests the desirability of the modification. *In re Deminski,* 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986). Recognizing after the fact that such a modification would provide an improvement or advantage, without suggestion thereof by the prior art, rather than dictating a conclusion of obviousness, is an indication of improper application of hindsight considerations. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner,* 379 F.2d 1011, 154 USPQ 173 (CCPA 1967).

Because the present invention and **Wiser** are so different, it would not have been obvious to one skilled in the art to combine aspects of **Wiser** to aspects of the present invention. The present invention and **Wiser** perform different functions. The present invention and **Wiser** have different purposes and operate in vastly different architectures using vastly different methods. **Wiser** is a computer implemented online music distribution system for secure delivery of media files for use on predetermined media players. The present invention relates to the creation and use of independent secure cookies between a server and a client.

Objects disclosed in **Wiser** are not the same as objects disclosed in the present invention. **Wiser** requires three distinct objects that are essential to **Wiser** in performing its stated goal of secure media delivery and use, whereas the present invention may perform its stated goal of enabling the transfer of secure data on a network between a client (singular) and a server using a secure cookie. The three **Wiser** objects are: media content, a media voucher object and a passport object. (*See* **Wiser,** col. 6, lines 36-47.) None of these **Wiser** objects is the same or equivalent to the secure cookies disclosed in the present invention.

Wiser's media content (object) is stored in media data files that are encrypted when purchased, using encryption keys of the purchasers, whereas the present invention does not require that any of its objects be stored in any other type of file, especially purchased files. Further, the present invention does not require the encryption of any shell file. No

objects disclosed in the present invention are intended to be encapsulated in media files.

Wiser's media voucher object is created by a content manager, then passed to an intermediary server, who then forwards it to an intermediary web browser, who then passes it to a media player, for whom it is intended. (*See* **Wiser**, col. 8, lines 19-41.) The objects disclosed in the present invention are created directly by a server and then transmitted directly to their intended client user.

Wiser's passport object is also not created by a server like the objects in the present invention. In fact, the passport is issued by a licensing center as a prerequisite for any media file transactions. (*See* **Wiser**, col. 8, lines 43 to col. 9, line 37.) In contrast, a server in the present invention creates objects when and as they are needed when interacting with a client.

Because the rejection of these claims is based upon impermissible hindsight, withdrawal of these rejections is respectfully solicited.

3.   The rejection of Claims 105-107 and 110 are improper because the examiner used an unspecified reference.

On page 7 of the Office Action, the examiner states that "[i]t would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement **Wiser**'s teachings into the computer system of <u>Rangarajan</u>." Applicant is unaware of the <u>Rangarajan</u> reference; therefore, Applicant would appreciate more specific information regarding this reference.

4.   The rejection of Claims 89, 103, 112 and 115 are improper because they **appear to be based on the combination of multiple references pieced together using impermissible hindsight.**

Claims 89, 103, 112 and 115 were rejected under 35 U.S.C. § 103(a) as being unpatentable under **Angles** in view of **Wiser** and further in view of **Klingman** U.S. Patent No. 5,729,594. The mere fact that references can be combined does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000). There is no suggestion in the teachings of **Angles**, **Wiser** or **Klingman**, either singularly or in combination, to combine a KT Cookie and Kerberos ticket. In fact, the examiner implied that because **Klingman** (*see* col. 3, lines 5-60) discloses that Kerberos private key cryptography has been used in a check writing system, that it would be obvious to use Kerberos technology in secure cookies. Applicant suggests

that the disclosure of this stand-alone application actually teaches away from using more advanced mechanisms such as secure cookies.

Because there is no suggestion to combine **Angles**, **Wiser**, and **Klingman**, withdrawal of these rejections is respectfully solicited.

C.   *Remaining prior art references of record*

Applicant would like to thank the examiner for his consideration of United States Patent No. 6,411,998 to Bryant et al., entitled "World wide web internet delay monitor." However, applicant asserts that like **Angles**, this patent only discloses conventional cookies and does not disclose secure cookies or any security measures relating to cookies. Therefore, this patent cannot anticipate the present invention as disclosed and claimed.

D.   *Conclusion*

For all of the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' agent at the telephone number shown below.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment, to Deposit Account No. 501450.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension for time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 501450.

Respectfully submitted,

David G. Grossman
Registration No. 42,609

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George Mason University
Office of Technology Transfer, MSN 5G5
4400 University Drive
Fairfax, VA 22030
(703) 338-6333